

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL J. McMANN,)	
Plaintiff,)	
)	
v.)	CIVIL NO.
)	12-11872-PBS
UNITED STATES OF AMERICA, et)	
al.,)	
Defendants.)	

ORDER

October 17, 2013

SARIS, C.J.

Now before the Court are plaintiff Paul McMann's Motion (#34) Requesting an Explanation and to Receive Notice of all Entries on This Docket by the Court as well as his Opposition (#38) to the defendants' motion for a Stay of Entire Case in Light of Lapse of Appropriations.

Plaintiff initiated this Bivens action one year ago while he was pretrial detainee at Wyatt Detention Center.¹ The Court's records indicate that last April he was convicted by a jury of wire fraud and was sentenced last week to thirty-seven (37) months incarceration. See United States v. McMann, CR 10-10387-RWZ (sentencing held on October 9, 2013).

On October 3, 2013, the undersigned granted the defendants' motion to stay this case in light of the lapse in appropriations and funding to the United States Department of Justice. See

¹Please note that in April 2013, a jury convicted McMann of wire fraud and last week, on October 9, 2013, Judge Zobel imposed a 36 month sentence. See United States v. McMann, CR 10-10387-RWZ

Docket No. 37.

Two weeks before the action was stayed, on September 18, 2013, plaintiff filed a motion explaining that he did not receive a copy of any of the defendants' pleadings that were filed with the Court. See Docket No. 34. Plaintiff asks the Court to order the defendants to send him copies of all of their filings. Id. He also asks that the Court send him copies of the docket sheet and pleadings to date. Id.

A review of the motions filed by the defendants reveals that each motion includes proof of service on McMann in the form of certificates of service, as required by Rule 5(d) of the Federal Rules of Civil Procedure and Local Rule 5.2(b)(2). Thus, plaintiff's motion will be granted as to his request for copies of the docket sheet and pleadings to date, and denied in all other respects.

The Court recognizes that plaintiff opposes the stay and that he requests, at a minimum, a limit to be placed on the length of the stay. See Docket No. 38. However, the Court also recognizes that the Department of Justice attorneys have been impacted by the government shutdown. The Court will now lift the stay because the President has signed into law a budget appropriation that restores Department of Justice funding.

Based upon the foregoing, it is hereby ORDERED that Plaintiff's Motion (#34) Requesting an Explanation and to Receive

Notice of all Entries on This Docket by the Court is granted as to plaintiff's request for copies of the docket sheet and defendants' pleadings to date. The motion shall be DENIED in all other respects.

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
Chief, U.S. District Judge